

## Message Text

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ACTION DLOS-04

INFO OCT-01 IO-13 ISO-00 EA-07 INT-05 FEA-01 ACDA-07

AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

USIA-06 SAL-01 /120 W

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R 231740Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 7063

CINCPACREP GUAM UNN

C O N F I D E N T I A L USUN 1721

DEPT PLEASE PASS DOTA AND OMSN

CINCPACREP GUAM PLEASE PASS HICOM AND STATUS LNO

E.O. 11652: GDS

TAGS: PFOR, PLOS, TQ

SUBJ: LOS DELEGATION VIEWS ON CONTRACTING PARTY STATUS

MICRONESIAN

1. ON APRIL 21 MICRONESIAN DELEGATES (OBSERVERS) TO LOS CONFERENCE, CONGRESSMAN CHARLES DOMINICK (MARSHALLS), SPECIAL CONSULTANT ANDON AMARAICH (TRUK) AND THEIR US ATTORNEY CHARLES WYLE CALLED ON LOS DELEGATION DEPUTY CHAIRMAN OXMAN AND MISOFF TO DISCUSS MICRONESIAN REQUEST FOR CONTRACTING PARTY STATUS TO LOS TREATY. LATER, JOINED BY CONGRESSMAN RACIO MOSES (PONAPE), THEY CALLED ON AMB WHITE TO DISCUSS THE SAME SUBJECT.

2. WYLE FIRST REFERRED TO SIXTH CONGRESS OF MICRONESIA (COM)

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JOINT RES 6-180 ON OWNERSHIP AND CONTROL OF RESOURCES

WITHIN MICRONESIA MARINE SPACE WHICH STATES INTER ALIA

THAT:

1) THE ELECTED REPRESENTATIVES OF MICRONESIA HAVE THE SOLE AUTHORITY TO EXERVISE AND DISPOSE OF MICRONESIAN LAND AND SEA RESOURVES, 2) MICRONESIA SHOULD BE A SIGNATORY AND CONTRACTING PARTY IN ITS OWN RIGHT AND NAME TO ALL LOS CONVENTIONS, 3) MCRONESIA SHOULD REPRESENT ITSELF IN ALL INTERNATIONAL NEGOTIATIONS RESPECTING SEA RESOURCE RIGHTS AND THAT 4) MICRONESIA WONT BE BOUND BY AN AGREEMENT OR TREATY NOT EXPRESSLY APPROVED BY THE COM. HE ADDED THAT HE WAS UNDER AN OBLIGATION TO TRANSMIT THE COM RESOLUTION TO THE LOS CONFERENCE UNDER COVER OF A LETTER REQUESTING CONTRACTING PARTY STATUS.

3. WYLE EMPHASIZED MICRONESIA'S NEED FOR CONTRACTING PARTY STATUS. SUCH STATUS IS NECESSARY BECAUSE THE US IS NOT IN A POSITION TO TREAT MICRONESIAN LOS INTERESTS AS "PARAMOUNT." THE DELEGATION OF HIGHLY MIGRATORY SPECIES FROM THE MAGNUSON BILL SEVERELY LIMITED WHAT THE US CAN DO CONCERNING MICRONESIA'S MOST IMPORTANT ASSET, TUNA, AS WELL AS THE ABILITY OF OTHER STATES TO ENTER INTO OBLIGATIONS ON TUNA. THIS "LEGAL VACUUM" CONCERNING HIGHLY MIGRATORY SPECIES MEANS THAT UNLESS MICRONESIA IS A CONTRACTING PARTY TO THE LOS TREATY IT WILL HAVE NO MEANS AVAILABLE TO EITHER ASSERT ITS RIGHTS OR CARRY OUT ITS OBLIGATIONS RELATED TO HIGHLY MIGRATORY SPECIES. IT IS NOT THE INTENTION OF MICRONESIA TO INTERFERE WITH US MILITARY PREROGATIVES IN MICRONESIA BY THIS ASSERTION OF ITS CONTROL OVER ITS MARINE RESOURCES.

4. WYLE SAID HE UNDERSTOOD THAT NEW ZEALAND IS IN ACCORD WITH GRANTING CONTRACTING PARTY STATUS TO THE COOK ISLANDS AND NIUE AND THAT THE UK AND NETHERLANDS WOULD PROBABLY BE WILLING TO DO THE SAME FOR THE ASSOCIATED CARIBBEAN STATES AND NETHERLANDS ANTILLES RESPECTIVELY.

5. OXMAN WONDERED WHY THIS QUESTION NEED BE BROUGHT UP AT THIS TIME AND WONDERED IF IT COULDNT BE SUCCESSFULLY DEALT WITH BY US CONGRESSIONAL ENABLING LEGISLATION. WYLE RESPONDED THAT THE NZ POSITON ON CONTRACTING PARTY CONFIDENTIAL

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STATUS WOULD RAISE THE QUESTION AT THE LOS CONFERENCE AND THAT THE COM RESOLUTION LEFT HIM NO CHOICE BUT TO PURSUE THE MATTER. OXMAN SAID THAT HE WAS NOT IN A POSITION TO REPLY AT THIS TIME.

6. WYLE ADDED THAT COM REPRESENTATIVES WOULD BE ASKING THE TRUSTEESHIP COUNCIL FOR HELP ON THIS MATTER DURING THE 43RD SESSION OF THE TC IN LATE JUNE. BOTH OXMAN AND AMB WHITE

EMPHASIZED THAT THE US HAS NO DESIGNS ON MICRONESIAN RESOURCES. MICRONESIAN DELEGATION ASKED AMB WHITE FOR HER ASSISTANCE IN BRINGING THE QUESTION OF CONTRACTING PARTY STATUS TO A MUTUALLY SATISFACTORY CONCLUSION.

7. WYLE PROMISED TO PROVIDE A DETAILED WRITTEN STATEMENT OF HIS VIEWS WHICH WE WILL TRANSMIT TO THE DEPARTMENT. IN ADDITION, WE HAVE POUCHED COPIES OF A LETTER FROM THE MICRONESIAN LOS DELEGATION TO UN VISITING MISSION CHAIRMAN JAMES MURRAY, WHICH LAYS OUT MICRONESIAN VIEWS ON RELATED LOS QUESTIONS IN SOME DETAIL, TO MACUK (IO/UNP) AND STATUS LNO.

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## Message Attributes

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